

Senate Study Bill 1140

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regulating confinement feeding operations by providing for
2 the evaluation of applications to construct confinement
3 feeding operation structures.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1878XC 82
6 da/es/88

PAG LIN

1 1 Section 1. Section 459.305, subsection 1, paragraph b,
1 2 Code 2007, is amended to read as follows:
1 3 b. The master matrix shall be designed to produce
1 4 quantifiable results based on the scoring of all objective
1 5 criteria according to an established value scale. The failure
1 6 of an applicant to provide an accurate response necessary to
1 7 complete each criterion shall be considered as a failure by
1 8 the applicant to provide accurate responses for all criteria.
1 9 Each criterion shall be assigned points corresponding to the
1 10 value scale. The master matrix shall consider risks and
1 11 factors mitigating risks if the confinement feeding operation
1 12 structure were constructed according to the application.
1 13 Sec. 2. Section 459.305, subsection 2, unnumbered
1 14 paragraph 1, Code 2007, is amended to read as follows:
1 15 The master matrix shall include ~~criteria valuing~~
1 16 ~~environmental and community impacts for use by county boards~~
1 17 ~~of supervisors and the department~~ three categories which
1 18 measure impacts upon air quality, water quality, and
1 19 communities. The master matrix shall include definite point
1 20 selections for all criteria provided in each of the master
1 21 ~~matrix categories.~~ The master matrix shall provide only for
1 22 scoring of positive points and shall ~~not~~ provide for deduction
1 23 of points. The master matrix shall provide for a minimum
1 24 threshold score required to receive a satisfactory rating for
1 25 each of the categories and a minimum overall threshold score.
1 26 The master matrix shall be structured to ensure that it
1 27 feasibly provides for a satisfactory rating. Criteria valuing
1 28 environmental impacts shall account for animal agriculture's
1 29 relationship to quality of the environment and the
1 30 conservation of natural resources, and may include factors
1 31 that refer to all of the following:
1 32 EXPLANATION
1 33 BACKGROUND. Currently counties are prohibited from
1 34 adopting or enforcing county legislation regulating a
1 35 condition or activity occurring on land used for the
2 1 production, care, feeding, or housing of animals unless the
2 2 regulation is expressly authorized by state law (Code section
2 3 331.304A). One exception allows a county to participate in
2 4 the review of applications by scoring them using a master
2 5 matrix, and to make a recommendation to the department of
2 6 natural resources to approve or disapprove the application
2 7 based on the results of the master matrix. The purpose of the
2 8 master matrix is to provide a comprehensive assessment
2 9 mechanism in order to produce a statistically verifiable basis
2 10 for determining whether to approve or disapprove an
2 11 application (Code section 459.305). According to departmental
2 12 rules, the master matrix includes categories (referred to as
2 13 subcategories) for air, water, and community impacts. An
2 14 applicant must score a positive threshold number in each of
2 15 the categories and a positive overall threshold number (see
2 16 567 IAC 65, appendix C).
2 17 PROPOSED CHANGES. The bill provides that the failure of an

2 18 applicant to provide an accurate response necessary to
2 19 complete each criterion in the master matrix is considered as
2 20 a failure by the applicant to provide accurate responses for
2 21 all criteria. The bill provides for the deduction of points.
2 22 It provides that the master matrix must be comprised of three
2 23 categories which measure impacts upon air quality, water
2 24 quality, and communities, and that an applicant must achieve a
2 25 threshold score in each of the categories and a threshold
2 26 overall score as is provided for by department rule in order
2 27 to receive a satisfactory rating under the master matrix.
2 28 LSB 1878XC 82
2 29 da:rj/es/88